THE HON'BLE SRI. JUSTICE GODA RAGHURAM

W.P.No. 7298 of 2006

13-04-2006

Between:-

Smt. Anasuya Bai

Petitioner

And

Government of Andhra Pradesh rep., by its Principal Secretary, Endowments Department, Secretariat Buildings, Hyderabad and three others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 7298 of 2006

Oral order:

Heard the learned counsel for the petitioner, learned Government Pleader appearing for respondent Nos. 1, 2 and 4 and the learned standing counsel for the 3rd respondent.

The petitioner's grievance is as regards the auction notice issued by the 3rd respondent proposing auction of certain specified lands in Bhaimsa, Tanur, Mudhol and Dharmabad mandals of Adilabad district claim to be belonging to the 3rd respondent—Sri Gyana Saraswathi Devasthanam, Basar village, Mudhole Mandal, for grant of future leasehold rights of the said lands. The petitioner claims to be the owner of these lands in respect of which proceedings under the Inams Abolition Act are stated to be pending adjudication. By a

proceeding dated 05-05-2006 of the 3rd respondent, the very same lands have been recorded to be in the occupation and possession of the temple priests of the 3rd respondent and a copy of this proceeding has also been marked to the petitioner's son. The petitioner apprehends that consequent on the auction pursuant to the impugned notice dated 31-03-2006 issued by the 3rd respondent, she would be dispossessed without following due process of law as ordained under the provisions of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (Act No. 30 of 1987) (for short 'the Act').

There appears no cause for the petitioner's apprehension. The petitioner cannot be dispossessed, if she is in occupation or in possession of the lands, even an encroacher, except in accordance with law by instituting proceedings under Section 83 of the Act. The mere putting the lands to auction would not automatically translate into dispossession of the petitioner in accordance with law, if she is otherwise in possession and liable to be characterized even as an encroacher.

On the above analysis, this court discerns no justification for interdicting the auction proposed pursuant to the impugned notice.

The writ petition is accordingly disposed of declaring that the petitioner is not liable to be dispossessed from any lands of the 3rd respondent-Devasthanam, if she is in occupation or possession of the same for a considerable time, even as an encroacher, except in accordance with law and as ordained under Section 83 of the Act. No costs.

GODA RAGHURAM, J

Dated:13-04-2006

Pvks/*

Nb:- Operation portion by wire at party’s costs.

B/o pvks/*